

### REMARKS

In a Restriction Requirement mailed on November 27, 2006, restriction was required to either claims 1 and 50-75 of Group I; or claims 76-81 of Group II. Additionally, the Examiner required election of one of the following species:

Species 1: the fuel cell system comprising a controller to control fuel/oxidant flow based on the heat/power generated by the fuel cell.

Species 2: the fuel cell system comprising an oxidizer and wherein the controller controls the fuel/oxidant flow based on the heat generated by the oxidizer.

Species 3: the fuel cell system comprising first/second fuel flows and wherein the controller specifically controls the first and second fuel flow based on the power demand.

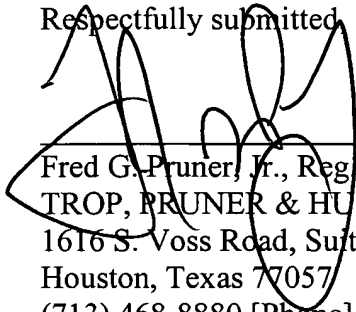
Applicant hereby elects the claims of Group I. It appears, however, that Species 1, 2 and 3 do not cover all species set forth in the application. For example, Species 2 sets forth a fuel cell system in which a controller controls a fuel/oxidant flow based on heat generated by an oxidizer. However, the fuel cell system of independent claim 29 includes a controller that controls at least one of a fuel flow and an oxidant flow based on heat generated by an oxidizer and based on power generated by a fuel cell. Applicant assumes that independent claim 59 reads on Species 2. However, to the extent that claim 59 is not readable on Species 2, the Restriction Requirement is respectfully traversed, as there is no species on which claim 59 may be read. The fuel cell system of independent claim 68 includes a controller that controls a fuel flow to the fuel cell stack based on power demand and controls a second fuel flow to the oxidizer based on power generated by the fuel cell stack. Claim 68 is assumed to read on Species 3. However, to the extent that claim 68 is not readable on Species 3, the Restriction Requirement is respectfully traversed.

In view of the foregoing, assuming that Species 2 and 3 cover independent claims 59 and 68, respectively, Applicant hereby elects claims 50-58 of Group I and Species 1 without traverse, as each of claims 50-58 read on Species 1.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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